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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,018	09/19/2000	Patrick Taylor	05456.105007	4902

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King & Spalding  
191 Peachtree Street N E  
45th Floor  
Atlanta, GA 30303

EXAMINER

COLIN, CARL G

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/665,018

Applicant(s)

TAYLOR ET AL.

Examiner

Carl Colin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

1. In response to communications filed on 3/23/2005, for a request to continue examination, applicant amends claims 1, 8, 11, and 12. The following claims 1-20 are presented for examination.

2. Applicant's arguments, pages 7-17, filed on 3/23/2005, with respect to the rejection of claims 1-20 have been fully considered but they are not persuasive. With respect to the interview summary, Applicant mentions that the examiner changing the ground of rejection by directing the applicant to another citation. This is not considered a new ground of rejection. Applicant initiates a phone conversation to argue that Gaul is not considered a prior art and after being told that the citations are supported in the provisional application, applicant argues about 'the generating step is not supported' examiner points out another passage (page 14) that provides support which was not argued by applicant (see examiner's interview summary). The wording of the examiner's interview was also agreed by applicant. In response to applicant's response about page 14 stating that the provisional application may arguably support paragraph 115, the same wording of paragraph 115 and additional disclosure can also be found on page 41 of 66 in the provisional application. Applicant has amended the claims to further limit the claimed invention. Upon further consideration, a new ground of rejection is made in view of Gaul in combination with Greenfield and Mc Graw.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.1 **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication US 2001/0034847 to **Gaul, Jr.** in view of US Patent 6,438,600 to **Greenfield et al** and in view of Non-Patent Literature: "Secure Computing with Java: Now and the Future" to **McGraw et al.**

3.2 **As per claims 1-3, 5, and 7, Gaul, Jr.** discloses remote operation performed by an Internet Application Service to complete a vulnerability assessment of the workstation, the invention is accomplished over the Internet from a request from client to a web server using a web browser interface that meets the recitation of issuing a request for a scanner from a browser operating on the workstation to a network server via a computer network and transmitting a scanner from the network server to the workstation via the computer network, the scanner installable within the browser and operative to complete a vulnerability assessment of the

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workstation, for example (see page 2, paragraphs 0014-0018), which is clearly supported in the provisional application (pages 12-14); generating workstation credentials in response to the scanner conducting the vulnerability assessment of the workstation (page 9, paragraph 115) which is found on page (41 of 66) in the provisional application. **Gaul, Jr.** also discloses using an Internet based aspect for the invention to perform vulnerability assessment is an advantage because it saves the company time, cost, and labor. It is well known in the art various Internet applications to provide services from a server to a workstation as suggested by **Gaul, Jr.**, for example (see page 2, paragraphs 0014-0018). Although **Gaul, Jr.** mentions user-server authentication, **Gaul, Jr.** does not explicitly disclose comparing workstation credentials to workstation policy to decide whether or not to grant access to the server and if access is granted request for credentials associated with user. **Greenfield et al** in an analogous art of providing services through the Internet, discloses issuing a request for a scanner from a browser operating on the workstation to a network server via a computer network and further discloses protecting access to all applets from server by using a verification process, verifying workstation credentials to ensure that the user is authorized and transmitting workstation credentials to the network server (column 7, line 45 through column 8, line 60); **Greenfield et al** also mentions that alternatively verification can also be performed in local client machine that meets the recitation of verifying workstation credentials to workstation policy (column 8, lines 24-30). **Greenfield et al** also suggests (column 7, lines 23-30) implementation of Java publication by **McGraw et al** which discloses the importance of authentication of remote users, systems, and applets: ensuring that the host is a trusted host, the module to be downloaded is trusted and given the authentication, next feature security system should provide is user authorization regarding level

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of access (pages 4-5 authentication section and page 12). More security features are also disclosed such as encryption, log-in, non-repudiation, etc. regarding downloadable code from an Internet. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Gaul, Jr.** to include verification of workstation credentials based on workstation policy to grant access to the server and user authentication when the workstation is secure as taught and suggested by **Greenfield et al.** One skilled in the art would have been lead to make such a modification because it allows the application to run in an authorized set of trusted applications to prevent codes that contain viruses from executing in the machine and in addition ensure that the user is authorized to perform the requested operation (column 3, lines 35 through column 4, line 13 and column 6, lines 50-62) as suggested by **Greenfield**.

**As per claim 4, Gaul, Jr.** discloses the limitation of further comprising the step of completing a repair operation by the scanner to address a security vulnerability identified by the scanner in response to completing the vulnerability assessment of the workstation (see page 2, paragraph 0018).

**As per claims 6, 9, and 14,** the combined references above disclose the limitation of wherein the step of issuing a request for a scanner comprises the browser issuing a request for a Web page at the network server, the Web page hosting the scanner as a plug-in control available for installation with the browser (see **Greenfield**, column 6, lines 22-50). These claims are rejected on the same rationale as the rejection of claims 1 and 7.

**Claims 8 and 10** recite the same inventive concept as claims 1, 6, and 7. Therefore, claims 8-10 and 17 are rejected on the same rationale as the rejection of claims 1, 6, and 7.

**As per claims 11 and 13**, claim 11 recites some of the limitations of the rejected claims 1 and 8. Therefore claim 11 is rejected on the same rationale as the rejection of claims 1 and 8.

**As per claim 12**, Claim 12 recites the same inventive concept as recited in claims 8-10 and 17 except for using a CGI script which is also suggested by **Greenfield et al** (see column 7, lines 35-45). Therefore, claim 12 is rejected on the same rationale as the rejection of claims 1 and 8-10 and 17.

**As per claims 15-20**, the combined references above disclose the limitation of receiving credentials associated with a user from a browser and authenticating the user based on the credentials, and further discloses that the invention can be Internet based, for example (see **Greenfield**, column 8, lines 1-15).

#### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses the use of servicing workstations through browser application and identifying security vulnerabilities.

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US Patent: 6,429,952 Olbricht; 5,872,915 Dykes et al; 6,301,668 Gleichauf et al;  
6,041,347 Harsham et al; 6,275,938 Bond et al ; 5,875,296 Shi et al.

4.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cc

Carl Colin

Patent Examiner

July 7, 2005

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100